

SUMMARY REPORT DIGEST-
COMPLAINT REGISTER INVESTIGATION NO.:
CHICAGO POLICE DEPARTMENT

292129

DATE OF REPORT (DAY-MO.-YEAR)

05 NOVEMBER 2003

To be used in all cases that are to be classified as either EXONERATED, UNFOUNDED, NOT SUSTAINED cases where the Disciplinary Recommendation does not exceed FIVE (5) DAYS SUSPENSION.

SUBMIT ORIGINAL AND 3 COPIES IF ASSIGNED TO SAME UNIT AS ACCUSED.
SUBMIT ORIGINAL AND 4 COPIES IF NOT ASSIGNED TO SAME UNIT AS ACCUSED.

TO: SUPERINTENDENT OF POLICE
ATTENTION ☒ ADMINISTRATOR IN CHARGE, OFFICE OF PROFESSIONAL STANDARDS
☐ ASSISTANT DEPUTY SUPERINTENDENT, INTERNAL AFFAIRS DIVISION

FROM - INVESTIGATOR'S NAME SOTO, Roberto				RANK Inv.	STAR NO. 251	EMPLOYEE NO. [REDACTED]	UNIT ASSIGN. 113
ADDRESS OF INCIDENT 23 S. Leavitt St.				DATE OF INCIDENT - TIME 06 SEP 03 2130		BEAT OF INCIDENT 1034	LOCATION CODE* 02
ACCUSED	NAME 1. CUNNINGHAM, Aaron			P.O.	15522	[REDACTED]	010
	2. HERNANDEZ, AI			RANK P.O.	STAR NO. 15785	SOCIAL SEC. NO. [REDACTED]	EMPLOYEE NO. [REDACTED]
	SEX/RACE 1 M/W	D.O.B. [REDACTED] 67	DATE OF APPOINTMENT 29 JUN 98	DUTY STATUS (TIME OF INCIDENT) <input checked="" type="checkbox"/> ON DUTY <input type="checkbox"/> OFF DUTY		<input checked="" type="checkbox"/> SWORN <input type="checkbox"/> CIVILIAN	PHYS. COND. CODE 01
	2 M/H	[REDACTED] 70	17 MAR 97	<input checked="" type="checkbox"/> ON DUTY <input type="checkbox"/> OFF DUTY		<input checked="" type="checkbox"/> SWORN <input type="checkbox"/> CIVILIAN	01
	IF APPLICABLE - DATE ARRESTED/INDICATED 1.			CHARGES		COURT BRANCH	DISPOSITION & DATE
2.							
COMPLAINANTS	NAME			ADDRESS**	CITY STATE	TELEPHONE	SEX/RACE
	[REDACTED]			[REDACTED]	[REDACTED]	[REDACTED]	F/H
VICTIMS	NAME			ADDRESS**	CITY STATE	TELEPHONE	SEX/RACE
	[REDACTED]			[REDACTED]	[REDACTED]	[REDACTED]	M/H
WITNESSES	NAME			ADDRESS**	CITY STATE	TELEPHONE	SEX/RACE
	[REDACTED]			[REDACTED]	[REDACTED]	[REDACTED]	M/H

[] SEE ATTACHED SHEET FOR ADDITIONAL ACCUSED, COMPLAINANTS, VICTIMS, WITNESSES.

ALLEGATIONS	*** SEE REPORT***
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I.A.D. LOCATION CODES*		I.A.D. PHYSICAL CONDITION CODES
01 Food Sales/Restaurant	11 Public Transportation Veh./Facility	01 No Visible Injury - Apparently Normal
02 Tavern/Liquor Store	12 Park District Property	02 No Visible Injury - Under Influence
03 Other Business Establishment	13 Airport	03 Injured, Not Hospitalized
04 Police Building	14 Public Property - Other	04 Injured, Not Hospitalized - Under Influence
05 Lockup Facility	15 Other Private Premise	05 Injured, Hospitalized
06 Police Maintenance Facility	16 Expressway/Interstate System	06 Injured, Hospitalized - Under Influence
07 CPD Automotive Pound Facility	17 Public Way - Other	07 Injured, Refused Medical Aid
08 Other Police Property	18 Waterway, Incl. Park District	08 Injured, Refused Medical Aid - Under Influence
09 Police Communications System	19 Private Residence	09 Deceased
10 Court Room		10 Deceased - Under Influence

** IF CPD MEMBER, LIST RANK, STAR, SOCIAL SECURITY, EMPLOYEE NOS. IN ADDRESS BOX, PAX/BELL IN TELEPHONE BOX.

Briefly summarize the investigation describing your efforts to prove or disprove the allegation(s). Indicate whether witnesses or evidence support or do not support the allegations(s).
In sustained cases ONLY, copies of the accused member's Summary of Previous Disciplinary Actions and Record of Previous Complimentary History will be included as attachments.

SEE PAGE TWO

INVESTIGATIVE REPORTS-
SUPPORTING ALLEGATION
LIST ATTACHMENT NUMBERS:

1

INVESTIGATIVE REPORTS-
SUPPORTING ACCUSED MEMBER(S)
LIST ATTACHMENT NUMBERS:

2A, 4A, 6A, 8A, 18, 20, 31,
36

PHYSICAL EVIDENCE
LIST ATTACHMENT NUMBERS:

TOTAL NUMBER OF ATTACHMENTS
SUBMITTED WITH THIS FILE:

37

Summarize the findings and recommendations. Rule violations will be cited by number only. One overall recommendation for Disciplinary Action will be made by the investigator. The recommendation will be for ALL sustained findings; recommendations will NOT be made for each sustained allegation. Example: 1. Violation noted, no disciplinary action warranted. 2. That the accused member be reprimanded. 3. That the accused member be suspended for days (not to exceed 5 days).

FINDINGS:

Accused Officer: **Aaron Cunningham, #15522**
Allegation (1) **Unfounded**

Accused Officer: **Al Hernandez, #15785**
Allegation (1) **Unfounded**

APPROVED:


O.P.S. Supervisor

Prepared by: Inv. Dennis Kamalick, #282

DATE INITIATED (DATE COMPLAINT WAS
RECEIVED FOR INVESTIGATION)
08 SEP 03

DATE COMPLETED (DATE OF THIS REPORT)
05 NOV 03

ELAPSED TIME (TOTAL TIME, EXPRESSED IN DAYS)
58

Investigator will initiate the Command Channel Review
for by completing the Investigator's Section.

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ALLEGATIONS:

On Sunday, 07 September 2003, at approximately 2240 hours, [REDACTED] telephoned the Office of Professional Standards and registered a complaint with Investigator Kristi Lyons, #232, Unit 113. [REDACTED] alleged that on Saturday, 06 September 2003, at 2130 hours, at 2302 South Leavitt Street, **Officer Arron Cunningham, #15522 and Officer Al Hernandez, #10982:**

- (1) physically abused [REDACTED] in that they falsely arrested him and handcuffed him too tightly.

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INVESTIGATION:

Unsuccessful attempts were made by OPS Investigator Roberto Soto, #251, to contact the complainant, the victim, the victim's witness and the victim's companions via telephone, regular/certified mail and personal visits.

On Friday 10 October 2003, at approximately 1638 hours, Inv. Soto conducted a telephone interview with witness [REDACTED] stated that on Saturday, 06 September 2003, at approximately 2130 hours, while [REDACTED] he observed several male subjects harassing customers to the point of threatening to kill the customers if they did not supply the youths with liquor. He said the subjects also threatened him, [REDACTED] as well. One of the subjects held a stick with which he repeatedly struck a fence. [REDACTED] said that a M/W officer and a M/H officer arrived. The subjects became agitated and shouted threats at the officers. The officers then told the subjects to calm down. The mother of one of the subjects began shouting at the officers as the officers began to place her son in custody. The officers eventually succeeded in placing all the subjects in custody without incident.

The Arrest Report completed by Officer Aaron Cunningham, #15522 stated that [REDACTED] threatened to kill [REDACTED] and threatened to strike other victims at the scene. Officers placed the [REDACTED] in custody without incident.

Arrest Reports for other subjects arrested at the scene related a similar narrative of the incident.

The Case Report of the incident related information similar to that contained in the Arrest Reports.

In his To/From/Subject report, Accused Officer Aaron Cunningham, #15522 stated that [REDACTED] and his companions were frightening [REDACTED] and other victims on the premises. Officer Cunningham and his partner successfully handcuffed all offenders without incident. Officer Cunningham stated that he and his partner did not handcuff any of the offenders too tightly and that no offender complained of being handcuffed too tightly.

In his T/From/Subject report, Accused Officer Al Hernandez, #15785 repeated the statements made by his partner, Officer Cunningham.

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CONCLUSION:

Due to the lack of physical and personal evidence to corroborate this allegation of excessive force; due to the failure of the complainant, the victim and the witnesses to cooperate with the investigation and due to the evidence of an eye-witness stating that no police excessive force was applied during the incident, the undersigned recommends that the investigation of this allegation be closed at this time with a finding of **UNFOUNDED**. The allegation of excessive force in this instance was not based on facts as shown by the investigation.